

Appl. No. 09/990,548  
Amdt. dated October 28, 2003  
Reply to Office Action of August 6, 2003

### Remarks

Minor amendments have been made to the drawings. Specifically, Figures 17 and 18 have been amended to correct minor errors in the reference numbers. Reference number 154 has been replaced with reference number 157. No new matter is added by this amendment. The expression "grommet" has been deleted from claim 6, thus the drawings and specification are now believed to be allowable and the objection should be withdrawn.

Claims 1, 2, 4/2, 4/1, 5/4/2, 5/4/1, 6/5/4/2, and 6/5/4/2 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,087,126 (Wynn). This rejection is respectfully traversed in light of the present amendment.

Independent claim 1 has been amended to more distinctly point out the invention. More specifically, the latch engages the bottom side of the meal tray when in the locking position, and the access port is sized to permit movement of the meal tray away from the latch into the use position.

It would not have been obvious to use the hatch cover described in Wynn as a meal tray. Wynn teaches a console 12 for van-type vehicles. The underside of the console 12 is adapted to approximate the contour of the engine shroud of a specific make and model of van. The console 12 provides liquid container holders 20, ashtrays 24, trash bins 22, miscellaneous container tray 26, and a compartment 30 in which an AM-FM radio, a C-B radio, or any other electronic device such as a tape player may be mounted and locked to minimize theft potential. The compartment 30 has a hatch cover 38 which is pivotally secured by a hinge means 52 to permit the hatch cover 38 to close. The hinge means 52 limits the pivotal movement of the hatch cover 38. A lock 42 is provided on the upper portion of the hatch cover 38 to make locking engagement with a mating part 44, secured to the underside of the base platform 14.

Appl. No. 09/990,548

Amdt. dated October 28, 2003

Reply to Office Action of August 6, 2003

The latch access port in Wynn cited by the examiner at 42 on page 4 of the office action is not an access port, but clearly only a mounting hole for the lock 42. Unlike the latch access port described in independent claim 1, the mounting hole (as distinct from the lock 42) cannot function to permit movement of the hatch cover 38 away from the lock 42. On the contrary, the lock 42 is securely fixed in the mounting hole. This is clearly not what is described in independent claim 1. Unlike the lock 42, the latch in independent claim 1 is securely fixed to the surface of a latch plate and provides a locking position by extending through the latch access port, which extends through the meal tray from a top side to a bottom side, and engaging the bottom side of the meal tray. When the latch is in the released position, the latch access port slides over the latch allowing the tray to move away from the latch into the use position. Thus, Wynn does not teach the structure as claimed and it would not be obvious to one of ordinary skill in the art to use the hatch cover disclosed in Wynn as a meal tray.

Applicant notes with appreciation the indication that claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the arguments above, it is believed that dependent claim 3 is thus allowable in its original form.

Claims 2, 4, and 5 depend from independent claim 1 and are thus believed to be allowable for the reasons stated above.

Claim 6 has been amended to more distinctly point out the invention. More specifically, the expression "grommet" has been replaced with the expression annular detent plate to reflect the original description in the specification. Claim 6 depends from independent claim 1 and is thus believed to be allowable for the reasons stated above.

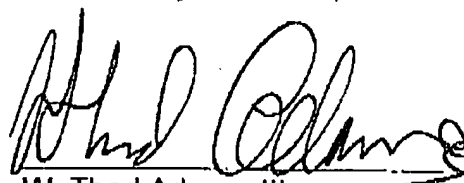
Accordingly, it is submitted that Wynn fails to disclose every element of amended

Appl. No. 09/990,548  
Amdt. dated October 28, 2003  
Reply to Office Action of August 6, 2003

independent claim 1, and the rejection should be withdrawn.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-6 at an early date is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Thad Adams, III', written over a horizontal line.

W. Thad Adams, III  
Attorney for Applicant  
Registration No. 29,037

W. Thad Adams, III  
ADAMS EVANS P.A.  
2180 Two Wachovia Center  
Charlotte, North Carolina 28282  
Tel. 704-375-9249  
Fax: 704-375-0729  
e-mail: [wta@adamspat.com](mailto:wta@adamspat.com)  
File No. 0965/136

Appl. No. 09/990,548  
Amdt. dated October 28, 2003  
Reply to Office Action of August 6, 2003

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to  
Fax No. (703) 872-9326 on October 28, 2003. Date of Signature: October 28, 2003.

Signature: 

Karon Walker

**RECEIVED  
CENTRAL FAX CENTER**

OCT 28 2003

**OFFICIAL**